

HB 562 Notification of county and schools

Section 1	Preparing a plan
Section 2	<i>Amended out</i>
Section 3	Modification of plan
Section 4	Annual report made available to county and school districts
Section 5	Using the tax increment financing provision

*take in to account the effects on counties and schools

**amend out line 13-20*

EXHIBIT 11
DATE 3/18/11
HB 562

2011 Montana Legislature

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HOUSE BILL NO. 562

INTRODUCED BY E. ARNTZEN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOTIFICATION OF LOCAL GOVERNMENTS LOCAL GOVERNMENT AND SCHOOLS REGARDING VARIOUS PROVISIONS OF AN URBAN RENEWAL DISTRICT WITHIN THE EXTRATERRITORIAL A JURISDICTION OF THE MUNICIPALITY; REQUIRING NOTIFICATION OF THE INTENDED USE OF TAX INCREMENT FINANCING TO LOCAL GOVERNMENTS THE COUNTY AND SCHOOLS; REQUIRING THE ANNUAL REPORT OF URBAN RENEWAL DISTRICTS TO BE PROVIDED TO LOCAL GOVERNMENTS MADE AVAILABLE UPON REQUEST TO THE COUNTY AND SCHOOLS WITHIN THE TERRITORIAL JURISDICTION OF THE A MUNICIPALITY; AND AMENDING SECTIONS 7-15-4211, 7-15-4213, 7-15-4221, 7-15-4237, AND 7-15-4282, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-15-4211, MCA, is amended to read:

"7-15-4211. Preparation of comprehensive development plan for municipality. For the purpose of approving an urban renewal plan and other municipal purposes, authority is hereby vested in every a municipality may:

(1) ~~to prepare, to adopt, and to revise from time to time a comprehensive plan or parts thereof of a plan for the physical development of the municipality as a whole, (giving due regard to the environs and metropolitan surroundings) with consideration for public entities, including the county, and school districts, authorities, and other districts that include municipal territory or are in the extraterritorial area of the municipality as provided in 7-4-4306;~~

(2) ~~to establish and maintain a planning commission for such that purpose and related municipal planning activities; and~~

(3) ~~to make available and appropriate necessary funds therefor for municipal planning activities."~~

Section 2. ~~Section 7-15-4213, MCA, is amended to read:~~

"7-15-4213. Review of urban renewal plan by planning commission. (1) Prior to its approval of an urban renewal project, the local governing body shall submit the urban renewal project plan to the planning commission of the municipality for review and recommendations as to its conformity with the growth policy or parts of the growth policy for the development of the municipality as a whole if a growth policy has been adopted pursuant to Title 76, chapter 1.

(2) The planning commission shall, after consultation with public entities, including counties, school districts, authorities, and other districts that include municipal territory or are in the extraterritorial area of the municipality as provided in 7-4-4306, submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within 60 days after receipt of the plan."

Section 2. Section 7-15-4221, MCA, is amended to read:

"7-15-4221. Modification of urban renewal project plan. (1) An urban renewal project plan may be modified at any time by the local governing body. If modified after the lease or sale by the municipality of real property in the urban renewal project area, the modification is subject to any rights at law or in equity that a lessee or purchaser or the lessee's or purchaser's successor or successors in interest may be entitled to assert.

(2) An urban renewal plan may be modified by ordinance.

(3) Any urban renewal plan proposed for modification to provide tax increment financing for the district must be proposed with consideration for public entities, including the county, and school districts, authorities, and other districts that include municipal territory or are in the extraterritorial area of the municipality as provided in 7-4-4306.

(4)(4) All urban renewal plans approved or modified by resolution prior to May 8, 1979, are validated. (4)(5) A plan may be modified by:

(a) the procedure set forth in 7-15-4212 through 7-15-4219 with respect to adoption of an urban

renewal plan;

(b) the procedure set forth in the plan."

Section 3. Section 7-15-4237, MCA, is amended to read:

"7-15-4237. Annual report. (1) An agency authorized to transact business and exercise powers

under part 43 and this part and part 43 shall file with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year. A copy of the annual report must be

~~submitted to all other public entities, including~~ made available upon request to the county, and school districts, ~~authorities, and other districts that include municipal territory or are in the extraterritorial area of the municipality as provided in 7-4-4306.~~

(2) The report shall must include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of the fiscal year.

(3) At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such the report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency."

Section 4. Section 7-15-4282, MCA, is amended to read:

"7-15-4282. Authorization for tax increment financing. (1) Any urban renewal plan as defined in 7-15-4206, industrial district ordinance adopted pursuant to 7-15-4299, technology district ordinance adopted pursuant to 7-15-4295, or aerospace transportation and technology district ordinance adopted pursuant to 7-15-4296 may contain a provision or be amended to contain a provision for the segregation and application of tax increments as provided in 7-15-4282 through 7-15-4299.

(2) ~~The tax increment financing provision must address, in consideration of other public entities, including~~ take into account the effect on counties, and school districts, ~~authorities, and other districts that include municipal territory or are in the extraterritorial area of the municipality as provided in 7-4-4306.~~

~~(a) the impacts on the public entities of the district's use of a tax increment provision;~~

~~(b) the expected duration of the tax increment provisions, including any extension of the life of the plan or district due to the issuance of bonds as provided in 7-15-4292;~~

~~(c) the manner in which any released portion of a tax increment is expected to be administered under 7-15-4287; and~~

~~(d) any other provision that is requested in writing by two or more affected public entities."~~

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